

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SOLOMON UPSHAW,)	
U TRANSPORT LOGISTICS, LTD.,)	
)	
Plaintiff,)	
)	
v.)	04-CV-10880-MEL
)	
)	
JENNIFER L. WARREN, President)	
OASIS CAPITAL, INC.,)	
)	
Defendant.)	<u>O R D E R</u>

LASKER, D.J.

The defendant, Jennifer L. Warren, President, Oasis Capital, Inc., moves to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(2), (5), and (6) on the grounds that the defendant is not subject to the jurisdiction of this Court, since it is incorporated and operates in California; has no assets or business in Massachusetts; and has derived only minimal revenues, if any, from business in Massachusetts.

In opposition, the plaintiff has filed what he designates as a "Motion to Deny Dismiss." The plaintiff's opposition fails to deal with the question of whether this Court has jurisdiction over the defendant. His references to

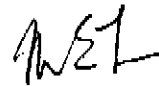
jurisdiction under 15 U.S.C. section 1692(d) deal not with the question of whether a court has jurisdiction over a particular defendant, but rather whether the court has subject matter jurisdiction of the issue in the case.

Examination of this motion necessarily involves examination of the complaint. The complaint is dismissed not on jurisdictional grounds, but on insufficiency of allegations to meet the requirements of Fed. R. Civ. P. 8. The complaint fails to include "a statement of the claim showing that the pleader is entitled to relief."

The complaint is DISMISSED without prejudice.

It is so ordered.

Dated: July 8, 2004
Boston, Massachusetts



/s/ Morris E. Lasker
U.S.D.J.